

## UNCLAIMED FUNDS

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**Dated: August 5, 2011**

### PUBLIC ACCESS TO UNCLAIMED FUNDS REPORTS.

**1. Website.** Other than this document, the U.S. Bankruptcy Court, District of South Dakota, does not currently have any information concerning unclaimed funds on its website.

**2. Binders.** From June 1988 through December 2010 hard copies of Trustee's Reports of Small Dividends and/or Unclaimed Funds were placed in several binders. The binders can be reviewed at the office of the Clerk, U.S. Bankruptcy Court, 400 South Phillips Avenue, Room 104, Sioux Falls, SD, from 8:00 a.m. through 5:00 p.m. Monday through Friday.

**3. PACER.** As a registered PACER user, you can view the Trustee's Reports of Small Dividends and/or Unclaimed Funds through PACER (fees do apply). If you are not a registered PACER user, you can register by going to [www.pacer.gov](http://www.pacer.gov).

You can access the same by going to the CM/ECF Live Database at [www.ecf.sdb.uscourts.gov](http://www.ecf.sdb.uscourts.gov). Login using your PACER login and password. Go to Reports and click on:

Docket Activity  
Leave the Case number field blank  
Leave the Office field blank  
Choose the Case type "bk"  
Choose the Category "trustee"  
Leave the Open cases field blank  
Leave the Closed cases field blank  
Enter the dates  
Leave the Summary Text field checked  
Sort by Case Number  
Run Report

The Docket Activity Report for those dates will display in your Adobe Reader. You can search in Adobe Reader using the word "unclaimed." It will take you to each case in which a Trustee's Report of Small Dividends and/or Unclaimed Funds was filed.

Click on the document number (Doc. No.) link to view the document (PACER fees do apply).

### REQUIREMENTS PRIOR TO FILING A MOTION FOR PAYMENT OF UNCLAIMED FUNDS.

- ☐ All pleadings filed by attorneys must be electronically filed.
- ☐ A corporation, partnership, or other formal legal entity may appear only through an attorney. Officers, directors, or employees of the entity may not file papers or appear in court on its behalf unless they are members of the Federal Bar for the District of South Dakota. See 28 U.S.C. § 1654 and *Ackra Direct Marketing Corp. v. Fingerhut Corp.*, 86 F.3d 852, 857 (8th Cir. 1996).
- ☐ The motion must be filed by a member of the Federal Bar for the District of South Dakota or an attorney who has been admitted pro hac vice.

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### REQUIRED PLEADINGS.

**1. Motion for Payment of Unclaimed Funds.** The motion must be properly captioned, dated, signed, and contain:

- ☐ the identity of the claimant;
- ☐ an original, notarized signature of the claimant;
- ☐ a brief history of the claim; and
- ☐ the current address and telephone number of the claimant and/or funds locator.

**2. Additional support documentation, when applicable.**

Funds Locator:

- ☐ a notarized, original power of attorney signed by the claimant on whose behalf the locator is acting; and
- ☐ documentation to establish the claimant's entitlement to the funds.

Decedent's Estate (Administrator, Executor, Representative):

- ☐ certified copies of probate documents establishing the representative's right to act on behalf of the decedent's estate; and
- ☐ proof of personal identity of the decedent and the estate administrator, executor, or representative of the decedent's estate.

Corporation:

- ☐ corporate documents showing proof of ownership of the funds through amendment, merger, or dissolution.

**3. Certificate of Service.**

The Certificate of Service must be properly captioned, dated, and signed. It must evidence service of the motion and any supporting documents on:

- ☐ U.S. Attorney's Office for the District of South Dakota  
P.O. Box 2638  
Sioux Falls, SD 57101-2638
- ☐ Parties in interest (names and addresses) not currently receiving electronic notice (*which usually includes the debtor*).

### REQUIRED IDENTIFYING INFORMATION.

After filing the motion, specific identifying information must be e-mailed to our office. This information will not be part of the public docket. E-mail the following to: [Diane\\_Mickelson@sdb.uscourts.gov](mailto:Diane_Mickelson@sdb.uscourts.gov).

- ☐ The Social Security number or Tax ID number of the claimant.
- ☐ Copy of photo identification of the party entitled to the funds, such as a driver's license or a passport.

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### **COURT REVIEW.**

- An Order will be entered following Court review.
- If the motion is granted, the U.S. District Court, District of South Dakota, will issue a check.
- If the motion is granted, and if the motion was filed by a funds locator, the check will be made jointly payable to the funds locator and the claimant.